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EXAMINER
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ABDUL-ALI, OMAR R

ART UNIT	PAPER NUMBER
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2173

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/782,466	<b>Applicant(s)</b> FLORSCHUETZ ET AL.	
	<b>Examiner</b> OMAR ABDUL-ALI	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

The following action is in response to the response filed January 28, 2010. Amended Claims 1-45 are pending and have been considered below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 17-20, and 33 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Patel et al. (US 2004/0103024), further in view of Hegde (US 2002/0129089) and further in view of Fullerton et al. (US 2001/0033296).

Claim 1: Vijayan discloses a method comprising generating a first phase of a single multiphase advertisement, (Figure 7C), and generating a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase (Figure 7D; column 9, lines 43-62). Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), but does not explicitly disclose the multiphase advertisement includes a streaming media component and a second phase including a streaming media component space so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface. However, it would have been obvious to a skilled artisan to include streaming media in an advertisement. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Vijayan does not explicitly disclose building a streaming media component using a software engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content. Fullerton discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses using the QuickTime 4.0 media engine to build a streaming media component with a

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predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content (page 4, paragraph 43/page 9, paragraphs 181-183). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to build a streaming media component using a software engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content in Vijayan. Using the known technique of building a streaming media component using a software engine by which variables and controls are predefined, the streaming media component including a link to streaming content in Vijayan, would have been obvious to one of ordinary skill.

Claim 2: Vijayan, Patel, Hegde, and Fullerton disclose a method, and Hegde further discloses the content to be played via the streaming media component is streaming video (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to play streaming video in Vijayan, for the purpose of providing rich media presentations.

Claim 3: Vijayan, Patel, Hegde, and Fullerton disclose a method, and Hegde further discloses the content to be played via the streaming media component is streaming audio (paragraph 41). Therefore, it would have been obvious to one having ordinary

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skill in the art at the time the invention was made to include streaming audio in Vijayan, for the purpose of providing rich media presentations.

Claim 4: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Vijayan further discloses the first graphical interface is an animated display (paragraph 41).

Claim 5: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 4 above, and Vijayan further discloses the first graphical interface uses vector based graphics (column 5, lines 54-67).

Claim 17: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses the set of media player variables includes a video size (page 9, paragraph 181). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a video size in the set of media player variables in Vijayan. Using the known technique of including video size in the set of media player variables in the media component in Vijayan would have been obvious to one of ordinary skill.

Claim 18: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Vijayan further discloses the set of media player variables includes a stream bandwidth (column 6, lines 13-25).

Claim 19: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses the set of player controls includes a play control and a stop control (page 9, paragraph 182). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a play control and a stop control in the set of player controls in Vijayan. Using the known technique of including play and stop controls in a set of player controls in the media component of Vijayan would have been obvious to one of ordinary skill.

Claim 20: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Hegde further discloses the streaming media content is remotely stored on a streaming server, and wherein the streaming media component includes a stream identifier that is passed to the streaming server to retrieve the streaming media content (paragraph 75). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store streaming media content remotely on a server in Vijayan. Using the known technique of storing content remotely on a server would have been obvious to one of ordinary skill.

Claim 33: Vijayan discloses a system comprising software permitting the generation of a first phase and a second phase of a single multiphase interactive graphical advertisement, the first phase having a first graphical dimension and the second phase having a second graphical dimension wherein the first graphical dimension and the

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second graphical dimension are different and are defined by the dimension information (Figures 7C, 7D). Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), but does not explicitly disclose the multiphase advertisement includes a streaming media component and a second phase including a streaming media component space so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface.

However, it would have been obvious to a skilled artisan to include streaming media in an advertisement. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Vijayan does not explicitly disclose a player engine for incorporating the streaming media component into the streaming media component space of the second phase, the player engine including a core set of media player variables and a core set of



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media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical advertisement. Fullerton discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses using the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content (page 4, paragraph 43/page 9, paragraphs 181-183). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a player engine for incorporating the streaming media component into the streaming media component space of the second phase, the player engine including a core set of media player variables and a core set of media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical advertisement in Vijayan. Using the known technique of using a player engine for incorporating the streaming media component into the streaming media component space of the second phase, the player engine including a core set of media player variables and a core set of media player controls for customizing the streaming media component, so that the streaming media component is made available to experience streaming media content in the second phase of the multiphase graphical

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advertisement in the interface of Vijayan would have been obvious to one of ordinary skill.

4. Claims 6-16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Patel et al. (US 2004/0103024), further in view of Hegde (US 2002/0129089), further in view of Fullerton et al. (US 2001/0033296), and further in view of Katinsky et al. (US 6,452,609).

Claim 6: Vijayan, Patel, Hegde, and Fullerton disclose a method as in Claim 1 above, and Fullerton further discloses a toolbar in the graphical interface (page 9, paragraph 82). However, Vijayan does not explicitly disclose the toolbar includes a link to trigger the second phase. Katinsky discloses a similar method for an interactive graphical user interface including a streaming media component and method and system of producing the same that further discloses clicking on a button on a media object indicator on a banner that causes the video clip to be played immediately in the media player component (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to trigger the second phase in the interface in Vijayan. Using the known technique of including a link to trigger a second phase in Vijayan would have been obvious to one of ordinary skill.

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Claim 7: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the link to trigger the second phase also launches the streaming media component (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to launch the streaming media component with the link to trigger the second phase in Vijayan. Using the known technique of launching a streaming media component with a link to trigger the second phase in the interface in Vijayan would have been obvious to one of ordinary skill.

Claim 8: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes at least a link to a trailer of the motion picture (Figure 8A). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to a trailer of the motion picture in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to a trailer was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 9: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes at least a link to still images of scenes from the motion picture (Figure 9b/column 8, lines 1-20). Therefore, it would have been obvious

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to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to still images of scenes from the motion picture in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 10: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to a streaming video of scenes from the motion picture (Figure 9b/column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to streaming video of scenes from the motion picture in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 11: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to a streaming video of interviews of actors or actresses from the motion picture (Figure 9b/column 8, lines 1-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and

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include a link to streaming video of interviews of actors or actresses from the motion picture in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 12: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Vijayan further discloses the multiphase advertisement relates to a motion picture and wherein the toolbar includes a link to an interactive interface for purchasing tickets to view the motion picture at a theater (Figure 9b/column 8, lines 1-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to relate the multiphase advertisement to a motion picture and include a link to an interactive interface for purchasing tickets to view the motion picture at a theater in Vijayan, because relating the multiphase advertisement to a motion picture and including a link to other multimedia content was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 13: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the toolbar includes at least a link to content about the subject of the multiphase advertisement (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to content about the subject of the multiphase advertisement in Vijayan. The technique of including a link to content about the subject of the

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multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art at the time the invention was made.

Claim 14: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 6 above, and Katinsky further discloses the toolbar includes at least a link to an interactive form for contacting a second user about the subject of the multiphase advertisement (column 5, lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include at least a link to an interactive form for contacting a second user about the subject of the multiphase advertisement in Vijayan, because including a link to an interactive form for contacting a second user about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 15: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 14 above, and Katinsky further discloses the interactive form includes a field for inputting an electronic mail address of the second user (column 5, lines 55-61).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a field for inputting an electronic mail address of the second user in Vijayan, because including a field for inputting an electronic mail address of a second user was recognized as part of the ordinary capabilities of one skilled in the art.

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Claim 16: Vijayan, Patel, Hegde, Fullerton and Katinsky disclose a method as in Claim 15 above, and Katinsky further discloses upon submission of the interactive form, an electronic mail is transferred to the electronic mail address of the second user with information about the subject of the multiphase advertisement (column 5, lines 55-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to send an email to the email address of the second user with information about the subject of the multiphase advertisement in Vijayan, because sending an email to the email address of a second user with information about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

5. Claims 21-24, 34, 39, 40 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Patel et al. (US 2004/0103024), and further in view of Hegde (US 2002/0129089).

Claim 21: Vijayan discloses a method comprising providing a first phase of a graphical interface and including at least a first interactive component for triggering a second phase, the graphical interface having a first dimension in the first phase (Figure 7C), and providing a second phase that is launched in response to interaction with the first interactive component in the second phase the graphical interface having a second dimension that is different than the first dimension of the graphical interface (Figure 7D; column 9, lines 43-62). Vijayan does not explicitly disclose the multiphase

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advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), but does not explicitly disclose the multiphase advertisement includes a streaming media component and a second phase including a streaming media component space so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface. However, it would have been obvious to a skilled artisan to include streaming media in an advertisement. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Claim 22: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Vijayan further discloses the first interactive component is a dynamic vector graphic (column 9, lines 43-62).



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Claim 23: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Hegde further discloses the first interactive component is an embedded streaming graphic (column 9, lines 43-62).

Claim 24: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Patel further discloses the first interactive component is a hyperlink (column 12, lines 46-55).

Claim 34: Vijayan discloses a single multiphase advertisement, comprising a first phase comprising a graphical interface and a second phase having a dimension that is different than a dimension of the first phase (Figure 7C, 7D), wherein the second phase of the single multiphase advertisement is triggered by an action performed on the first phase of the single multiphase interactive advertisement (column 9, lines 43-62; Clicking the banner ad expands the banner to the site feature). Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Vijayan discloses support for rich media formats, such as vector graphics or video, in creating site previews (column 5, lines 54-67), but does not explicitly disclose

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the multiphase advertisement includes a streaming media component and a second phase including a streaming media component space so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface. However, it would have been obvious to a skilled artisan to include streaming media in an advertisement. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

Claim 39: Vijayan, Patel, and Hegde disclose a single interactive advertisement as in Claim 34 above, and Vijayan further discloses the second phase is triggered by a mouse click on the first graphical phase (column 9, lines 43-62). Hegde discloses a similar method that further discloses displaying a hover scene in response to a user passing a mouse through the banner ad space (paragraph 46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase by a mouse over of the first phase of Vijayan, for the purpose of providing an interactive graphical control.

Claim 40: Vijayan, Patel, and Hegde disclose a single interactive advertisement as in Claim 34 above, and Vijayan further discloses the second phase is triggered by a

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mouse click on an area of the first graphical interface of the first phase (column 9, lines 43-62).

6. Claim 25, 26, 28-32, 35-38, 41, and 42 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Patel et al. (US 2004/0103024), further in view of Hegde (US 2002/0129089) and further in view of Katinsky et al. (US 6,452,609).

Claim 25: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, however the references do not explicitly disclose the first interactive component is a button having a graphic. Katinsky discloses a similar system that further discloses the first interactive component is a button having a graphic (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a button having a graphic as the first interactive component in Vijayan, because providing a button having a graphic as the first interactive component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 26: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Katinsky further discloses the first interactive component is a graphical toolbar including at least one hyperlink for triggering a second phase graphical interface of the multiphase advertisement (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a graphical toolbar including at least one hyperlink for triggering a second phase

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graphical interface of the multiphase advertisement in Vijayan, because providing a graphical toolbar including at least one hyperlink for triggering a second phase graphical interface of the multiphase advertisement as the first interactive component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 28: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Hegde further discloses the streaming media component includes a link to streaming video content (paragraph 78). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to streaming video content in Vijayan, for the purpose of providing rich media presentations.

Claim 29: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, and Katinsky further discloses the streaming media component includes a link to streaming audio content (column 4, lines 50-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a link to streaming audio content in the streaming media component in Vijayan, because including a link to streaming audio content in a streaming media component was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 30: Vijayan, Patel, and Hegde disclose a method as in Claim 21 above, but the references do not explicitly disclose the first phase graphical interface further comprises a graphical toolbar enabling a user to access additional advertisement information.

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Katinsky discloses a similar system that further discloses a graphical interface including a toolbar which enables user to access additional information (column 8, lines 1-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a graphical toolbar enabling a user to access additional advertisement information in the first phase graphical interface in Vijayan, because including a graphical toolbar enabling a user to access additional advertisement information in the first phase graphical interface was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 31: Vijayan, Patel, Hegde, and Katinsky disclose a method as in Claim 30 above, and Katinsky further discloses the graphical toolbar includes one or more hyperlinks (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include one or more hyperlinks in the graphical toolbar in Vijayan, because including one or more hyperlinks in the graphical toolbar was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 32: Vijayan, Patel, Hegde, and Katinsky disclose a method as in Claim 30 above, and Katinsky further discloses the graphical toolbar includes one or more graphical buttons (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include one or more graphical buttons in the graphical toolbar in Vijayan because including one or more

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graphical buttons in the graphical toolbar was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 35: Vijayan, Patel, and Hedge disclose a method as in Claim 34 above, but the references do not explicitly disclose the first phase includes a toolbar, the toolbar including one or more graphical buttons enabling a user of the single multiphase interactive advertisement to interact with one or more features of the single multiphase interactive advertisement. Katinsky discloses a similar system that further discloses a graphical interface including a toolbar which enables user to access additional information (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a toolbar including one or more graphical buttons enabling a user of the multiphase interactive advertisement to interact with one or more features of the multiphase interactive advertisement in Vijayan, because including a toolbar including one or more graphical buttons enabling a user of the multiphase interactive advertisement to interact with one or more features of the multiphase interactive advertisement was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 36: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses interaction with one of the graphical buttons provides further information about the subject of the multiphase interactive advertisement (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary

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skill in the art at the time the invention was made to provide further information about the subject of the multiphase interactive advertisement after interacting with one of the graphical buttons in Vijayan because providing further information about the subject of the multiphase interactive advertisement after interacting with one of the graphical buttons was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 37: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses interaction with one of the graphical buttons triggers a second phase (column 8, lines 10-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a second phase with an interaction with one of the graphical buttons in Vijayan, because triggering a second phase with an interaction with a graphical button was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 38: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses the action facilitates the user to purchase a product (CD) or service that is the subject of the multiphase interactive advertisement (column 7, lines 31-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the action to facilitate the user to purchase a product or service that is the subject of the multiphase interactive advertisement in Vijayan, because facilitating a user to purchase a product or a service was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 41: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses a second phase is triggered by mouse clicking on a graphical button of the first graphical interface of the first phase (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger the second phase by a mouse clicking on a graphical button of the first graphical interface of the first phase in Vijayan, because using a mouse click on a graphical button to trigger a second phase was recognized as part of the ordinary capabilities of one skilled in the art.

Claim 42: Vijayan, Patel, Hedge, and Katinsky disclose a method as in Claim 35 above, and Katinsky further discloses a second phase is triggered by mouse clicking a hyperlink on the first graphical interface of the first phase (column 8, lines 1-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger the second phase by a mouse clicking on a hyperlink on the first graphical interface of the first phase in Vijayan, because using a mouse click on a hyperlink to trigger a second phase was recognized as part of the ordinary capabilities of one skilled in the art.

7. Claim 43 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Cantrell (US 2002/0103698), further in view of Patel et al. (US 2004/0103024) and further in view of Hegde (2002/0129089).



Claim 43: Vijayan discloses a single multiphase interactive advertisement comprising a first phase of the single multiphase interactive advertisement that is incorporated into a web page, in the first phase a vector based graphical animation runs in the multiphase interactive advertisement's graphical interface upon launch of the web page, the graphical interface having a first dimension in the first phase (figure 7C; column 9, lines 43-62). Vijayan discloses a site preview contains vector graphics upon loading of a web page. Vijayan further discloses a second phase (Figure 7D), but does not explicitly disclose the second phase is launched upon completion of the vector based graphical animation of the first phase. Cantrell discloses a similar system for a multiphase interactive advertisement that further discloses displaying a banner ad comprising a plurality of scenes including a loading scene, a catalogue menu scene, and an optional hover scene, wherein the loading scene is the first scene that is displayed while the banner ad is being loaded (paragraphs 42-44). The catalogue menu scene would be displayed subsequently when the banner ad has finished loading. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to launch a second phase upon completion of vector based graphics in Vijayan, for the purpose of providing a rich media presentation. Vijayan does not explicitly disclose dimension information defining the dimensions. Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having

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ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Cantrell further discloses a second phase including a toolbar for permitting a user to interact with the second phase of the multiphase interactive advertisement (Figure 2B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a toolbar in Vijayan, for the purpose of providing the user control of displayed content.

Vijayan modified by Cantrell and Patel discloses a third phase defined by dimension information. Cantrell discloses a third banner scene (paragraphs 42-44), and Patel discloses banner ads are defined by dimension information (paragraphs 409-412). However, the references do not explicitly disclose the third phase includes a streaming media component incorporated into the streaming media component space of the third phase so that the streaming media component is made available to play streaming media content in the third phase of the single multiphase interactive advertisement's graphical interface. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations. Though the references do not explicitly disclose the second dimension is smaller than the first dimension, and the third dimension is larger than the

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second dimension, it would have been obvious to a skilled artisan to adjust the size of a graphical advertisement based on design choice.

Vijayan discloses triggering a second phase with an action performed on the first phase (column 9, lines 43-62), and it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a third phase by performing an action on a second phase. The technique of including a link to content about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art at the time the invention was made.

8. Claim 44 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Cantrell (US 20020103698), and further in view of Patel et al. (US 2004/0103024).

Claim 44: Vijayan discloses a single multiphase interactive advertisement comprising a first phase of the single multiphase interactive advertisement that is incorporated into a web page, in the first phase a vector based graphical animation runs in the multiphase interactive advertisement's graphical interface upon launch of the web page, the graphical interface having a first dimension in the first phase (figure 7C; column 9, lines 43-62). Vijayan discloses a site preview contains vector graphics upon loading of a web page. Vijayan further discloses a second phase (Figure 7D), but does not explicitly disclose the second phase is launched upon completion of the vector based graphical animation of the first phase. Cantrell discloses a similar system for a multiphase

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interactive advertisement that further discloses displaying a banner ad comprising a plurality of scenes including a loading scene, a catalogue menu scene, and an optional hover scene, wherein the loading scene is the first scene that is displayed while the banner ad is being loaded (paragraphs 42-44). The catalogue menu scene would be displayed subsequently when the banner ad has finished loading. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to launch a second phase upon completion of vector based graphics in Vijayan, for the purpose of providing a rich media presentation. Vijayan does not explicitly disclose dimension information defining the dimensions. Vijayan does not explicitly disclose the multiphase advertisement comprises dimension information. Patel discloses a similar method that further discloses banner ads are defined by dimension information (paragraphs 409-412). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include dimension information in a multiphase advertisement in Vijayan. One would have been motivated to include dimension information in order to render banner ad content in a browser. Cantrell further discloses a second phase including a toolbar for permitting a user to interact with the second phase of the multiphase interactive advertisement (Figure 2B). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a toolbar in Vijayan, for the purpose of providing the user control of displayed content.

Vijayan modified by Cantrell and Patel discloses a third phase defined by dimension information. Cantrell discloses a third banner scene (paragraphs 42-44), and

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Patel discloses banner ads are defined by dimension information (paragraphs 409-412). However, the references do not explicitly disclose the third phase includes a streaming media component incorporated into the streaming media component space of the third phase so that the streaming media component is made available to play streaming media content in the third phase of the single multiphase interactive advertisement's graphical interface. Though the references do not explicitly disclose the second dimension is smaller than the first dimension, and the third dimension is larger than the second dimension, it would have been obvious to a skilled artisan to adjust the size of a graphical advertisement based on design choice.

Vijayan discloses triggering a second phase with an action performed on the first phase (column 9, lines 43-62), and it would have been obvious to one having ordinary skill in the art at the time the invention was made to trigger a third phase by performing an action on a second phase. The technique of including a link to content about the subject of the multiphase advertisement was recognized as part of the ordinary capabilities of one skilled in the art at the time the invention was made.

9. Claim 45 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Vijayan et al. (US 6,535,888) in view of Cantrell (US 20020103698), further in view of Patel et al. (US 2004/0103024) and further in view of Hegde (2002/0129089).

Claim 45: Vijayan, Cantrell, and Patel disclose a single multiphase advertisement, and Vijayan discloses support for rich media formats, such as vector graphics or video, in

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creating site previews (column 5, lines 54-67), However, the references do not explicitly disclose the third phase includes a streaming media component incorporated into the streaming media component space of the third phase so that the streaming media component is made available to play streaming media content in the third phase of the single multiphase interactive advertisement's graphical interface. Hegde discloses a similar method that further discloses playing rich media presentations within a banner ad (paragraph 113). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a streaming media component in Vijayan, for the purpose of providing rich media presentations.

### ***Response to Arguments***

7. Applicant's arguments filed January 28, 2010 have been fully considered but they are not persuasive.

Claim 1: Applicant argues, "the full site feature 92 displayed in Fig.7D is not a second phase of a single multiphase advertisement as claimed. Instead, Vijauan's full site feature 92 is a preview of a web site that is launched within a special viewer...Thus Vijayan's full site feature 92 is not a second phase of a single multiphase advertisement that is displayed in a graphical interface used to display the first phase of the single multiphase advertisement." The Examiner respectfully disagrees. Vijuaun provides a first phase (banner phase) and second phase (site feature) of a multiphase advertisement. The banner ad is expanded out into the full site feature as shown in figure 7D. This is a teaching of a single multiphase advertisement. The site feature is

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deployed through the banner advertisement, in contrast to applicant's assertion that the viewer is completely separate from the banner advertisement.

Regarding applicant's argument that Patel's dimensions are for a single phase banner, it is respectfully submitted that Patel has been incorporated to provide the common teaching of dimension information for banner advertisements. It is obvious that the dimension information is defined for any phase of a banner advertisement or graphic. The dimensions of a graphic object must be defined to be rendered on a page.

Regarding applicant's arguments that Fullerton does not disclose, "building a streaming media component using a software player engine in accordance with a predefined design of the multiphase advertisement's graphical interface", the Examiner respectfully disagrees. Fullerton discloses using the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content. Fullerton's controls and variables are predefined, rendering it obvious to provide a predefined design.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR ABDUL-ALI whose telephone number is (571)270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 9:30 - 7:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on 571-272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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5/07/2010

/Kieu Vu/

Supervisory Patent Examiner, Art Unit 2173